Remarks

The present response is filed with a Request for Continued Examination (RCE), and is to the Office Action mailed in the above-referenced case on September 24, 2003, made final. Claims 1-23 are presented for examination. The Examiner has maintained the rejection of claims 1-23 as being anticipated by Lakshman et al. (ACM 1-58113003), hereinafter Lakshman.

In applicant's previous amendment entitled "Response C", which was filed by applicant in response to the Office Action mailed April 21, 2003, applicant amended language of the base claims to more particularly point out and distinctly claim that a sequence of binary numbers is assigned to each interval between breakpoints, such that all adjacent intervals are numbered in ascending sequential order, and associating a subset of the first set of rules applicable in each interval to the assigned binary number of the appropriate interval.

On page 3 of the instant Office Action, the Examiner kindly provides in the Response to Argument section, that the single issue at hand in the present case concerns whether or not Lakshman, concerning packet rule classification, "assigns a sequence of binary numbers to each interval between breakpoints (not breakpoint value), such that all adjacent intervals are numbered in ascending sequential order. The Examiner than refers applicant to Lakshman at Fig. 4, stating that Lakshman teaches this limitation, evidenced by the binary notation in sequential order from 0000 to 1111 related to each interval or breakpoint set.

Applicant is appreciative of the Examiner's narrowing of the scope for examination to the above-mentioned single issue at hand, and applicant agrees with the Examiner that this is where both the Examiner's, and applicant's focus must be centered. Applicant has once again, very carefully and thoroughly reviewed Lakshman, particularly the portions cited and applied in support of the Examiner's position that Lakshman anticipates applicant's invention. Fig. 4 of

Lakshman, and the supporting description, absolutely does <u>not</u> teach that
Lakshman <u>assigns numbers to </u>intervals, such that the numbering is related to each
<u>interval</u>; rather, the teaching is clearly directed to numbering that is already
existing, and is in fact the value on the axis for the breakpoints between intervals.
Lakshman deals only with <u>the binary value of the breakpoints on the axis</u> and
applicant strongly asserts that this is a clear distinction between the teachings of
Lakshman and that of the claimed invention.

Lakshman does <u>not</u> assign sequential binary numbers to each interval
between breakpoints, as the Examiner incorrectly asserts. The binary notations
(0000-1111) referenced in Fig. 4 of Lakshman are the <u>existing binary values at the</u>
<u>breakpoints.</u> Applicant asserts that the binary notations upon which the Examiner
relies cannot possibly have been assigned, because they already exist. <u>The fact</u>
<u>that the existing binary values of breakpoints are in sequential binary order does</u>
<u>not constitute that they are therefore assigned to intervals.</u> Applicant argues that
the notations are simply the pre-existing breakpoint values, they are not assigned.
Lakshman, for that matter, does not assign <u>anything</u> that does not already exist. In
order to <u>assign</u> binary numbers a value must be put on the interval. Lakshman
does not assign anything different to the interval that is not pre-existing on the
breakpoints.

The Examiner continues to misrepresent the teachings of Lakshman as
reading on applicant's specific limitation of assigning sequential binary numbers
to intervals. Applicant believes a telephone conference with the Examiner is now
in order so as to finally come to a mutual understanding of the prior art teachings
of Lakshman, and that of applicant's claimed invention. Applicant strongly asserts
that Lakshman clearly and unarguably does <u>not</u> teach, suggest or intimate
assigning sequential binary numbers to intervals, that existing binary notations of
breakpoints have nothing whatsoever to do with binary values assigned to

intervals, as taught in applicant's invention, and that Lakshman, therefore, still fails as a primary reference for a prima facie rejection of applicant's claims.

Applicant wishes to reiterate that applicant's invention teaches <u>assigning</u> sequential binary numbers to each interval between the breakpoints, and then using these <u>assigned</u> numbers (not breakpoint values) for the binary search. Applicant's assigned binary numbers are not breakpoint values, and do not bear any specific relationship to breakpoint values, and have nothing to do with values on the axes. Lakshman clearly and unarguably does not teach, suggest or intimate numbering intervals with binary numbers, and therefore cannot possibly locate the binary numbered interval into which the point projects on each axis by performing a search on each axis for the numbered interval into which the point projects on that axis.

Applicant has not amended any of the claims in this response, as it is applicant's very strong opinion that they are patentably distinct in their present form as amended in applicant's last Office Action response over the teachings of Lakshman. If required, however, applicant is willing to further narrow the language of the base claims to specifically recite and clarify that the assigned binary numbers are <u>not</u>, or are <u>other than</u> the breakpoint values on the axis. The assigned binary numbers of applicant's invention are distinctly different from the existing breakpoint values of Lakshman, in that they are a separate sequence of values that are related to the intervals, not the breakpoints, regardless, and independent of the breakpoint values. Applicant's assigned binary numbers have nothing whatsoever to do with the breakpoints values, and applicant respectfully points out to the Examiner that using the breakpoint values for searching the axes, as taught by Lakshman, does not provide the advantage of applicant's teaching of binary numbering (assigning), and associating the binary numbering to the intervals themselves. The clear and distinct advantage of applicant's teaching of assigning binary numbers to intervals and associating them with the intervals, is

that there are only three bits in the binary sequential interval numbers (in the example presented), requiring fewer steps and less hardware implementation for determining the best breakpoints when compared to conventional art.

Applicant therefore maintains that independent claims 1 and 12 in their present form distinguish clearly over the art of Lakshman, as applicant strongly believes the claims have been shown to be patentable over Lakshman. Depending claims 2-11 and 13-23 are then patentable on their own merits, or at least as depended from a patentable claim.

As all of the claims standing for examination have been shown to be patentable over the art of record, applicant respectfully requests reconsideration and that the present case be passed quickly to issue. Applicant believes a telephone conference with the Examiner will quickly and unarguably resolve that the teaching of Lakshman still fails to anticipate all of the limitations of applicant's claims. Applicant will contact the Examiner for this purpose.

If any fees are due beyond fees accompanying the present response, authorization is made to deduct those fees from deposit account 50-0534. If any time extension is needed beyond any extension requested with this filed response, such extension is hereby requested.

Respectfully Submitted,

Rodolfo Milito et al.
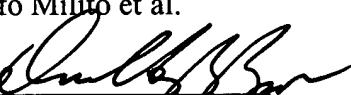
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